

AUG 06 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENNETH CECIL FRANCIS, III, aka
Ken Dimepiece USA; et al.,

Defendant - Appellant.

No. 07-50192

D.C. No. CR-06-00295-R-8

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Argued and Submitted July 16, 2008
Pasadena, California

Before: FERNANDEZ, RYMER, and KLEINFELD, Circuit Judges.

Francis argues that the district court failed to advise him of certain rights before his guilty plea. Though there were deficiencies in the plea colloquy, Francis was otherwise informed of his rights, and he has not demonstrated that, but for the

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

deficiencies, he would not have entered his plea. *United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004).

Francis further argues that his sentence was unreasonably high. However, as the district court explained, Francis received a 135-month sentence, instead of a higher one, because 135 months is within the guidelines range contemplated by his plea agreement. *Rita v. United States*, 551 U.S. ___, 127 S.Ct. 1456, 2469 (2007).

AFFIRMED.